

TTAB

35175/82

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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SUPERVALU INC.

Opposer,

v.

FRANCO MANUFACTURING CO., INC.,

Applicant.
-----X

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: Opposition No. 91161241
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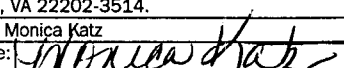
: Application Serial No. 76/323,411

: Filing Date: October 10, 2001

: Publication Date: January 13, 2004

: Trademark: SUPER VALUE
:
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Box TTAB - No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

"Express Mail" mailing label No.:	EV 330815930 US
Date of Deposit:	September 23, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.	
Name:	Monica Katz
Signature:	

**MOTION UPON CONSENT FOR
EXTENSION OF TIME TO FILE ANSWER**

Dear Commissioner:

Applicant, Franco Manufacturing Co., Inc., hereby moves to extend the time within which Applicant must answer up to and including October 20, 2004 to provide the parties time to explore settlement of this matter.

Scott W. Johnston, Esq., counsel for Opposer, had consented to a prior motion but was unavailable to consent to this Extension by telephone. Mr. Johnston had previously advised that he was awaiting comments from Opposer to settlement correspondence from Applicant. No such comments have yet been relayed to Applicant.

An original and two copies of this Motion are submitted herewith.

A certificate of service upon counsel for Opposer is attached.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 Park Avenue
New York, New York 10016
(212) 336-8000 (Telephone)
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By. 

Anthony F. Lo Cicero

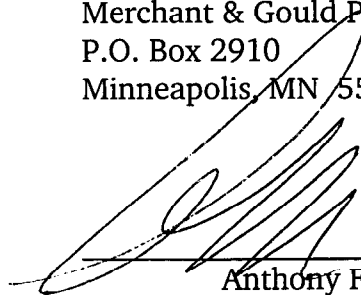
Dated: New York, New York
September ~~24~~, 2004

23

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she is one of the attorneys for Applicant Franco Manufacturing Co., Inc. in the captioned action, and that on the date which appears below she served a copy of the annexed MOTION UPON CONSENT FOR EXTENSION OF TIME TO FILE ANSWER on Opposer Supervalu Inc. by causing a copy thereof to be placed in a depository under the care and custody of the United States Postal Service, First Class postage prepaid affixed thereto, addressed to the attorneys for Opposer, as follows:

Scott W. Johnston, Esq.
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis, MN 55402-9944



Anthony F. Lo Cicero

Dated: September 23, 2004
New York, New York